

भारत का राजपत्र The Gazette of India

प्रसाधारण

EXTRAORDINARY

भाग II—खंड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं ० ५२ए]

No. 52A]

नई दिल्ली, सोमवार, नवम्बर १७, १९६९/कार्तिक २६, १८९१
NEW DELHI, MONDAY, NOVEMBER 17, 1969/KARTIKA 26, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह घलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following report of the Select Committee on the Bill to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters was presented to Lok Sabha on the 17th November, 1969.

COMPOSITION OF THE COMMITTEE

Shri N. C. Chatterjee—Chairman

MEMBERS

2. Shri Krishna Kumar Chatterji
3. Shri C. C. Desai
4. Shri Shivajirao S. Deshmukh
5. Shri Chand Goyal
- *6. Shri Tulsidas Dasappa
7. Shri S. M. Joshi
8. Shri S. M. Krishna
9. Shri Krishnan Manoharan
10. Shri Vikram Chand Mahajan
11. Shri Bhola Nath Master
12. Shri P. Govinda Menon
13. Shri Bakar Ali Mirza

*Appointed on the 14th May, 1969 vice Shri K. Hanumanthaia resigned.

14. Shri H. N. Mukerjee
15. Shrimati Sharda Mukerjee
16. Shri Anand Narain Mulla
17. Shri K. Ananda Nambiar
18. Shri Mrityunjay Prasad
19. Shri K. Narayana Rao
20. Shri Sheo Narain
21. Shri Tenneti Viswanatham
22. Chaudhuri Randhir Singh

LEGISLATIVE COUNSEL

1. Shri P. L. Gupta, *Additional Legislative Counsel, Ministry of Law.*
2. Shri A. G. Nambiar, *Deputy Legal Adviser, Ministry of Law.*
3. Shri H. C. Gupta, *Asstt. Legal Adviser, Ministry of Law.*

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

REPORT OF THE SELECT COMMITTEE

I, the Chairman of the Select Committee to which the Bill* to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters was referred, having been authorised to submit the Report on their behalf, present their Report with the Bill, as amended by the Committee, annexed thereto.

2. The Bill was introduced in Lok Sabha on the 15th November, 1968. The motion for reference of the Bill to a Select Committee was moved in Lok Sabha by Chaudhuri Randhir Singh, M.P. on the 18th April, 1969 which was discussed and adopted on the same day.

3. The Committee held 7 sittings in all.

4. The first sitting of the Committee was held on the 30th April, 1969 to draw up their future programme of work. The Committee at this sitting decided that a Press Communiqué be issued advising Bar Councils, Bar Associations, public bodies and individuals, who were desirous of submitting their suggestions/views, to send written memoranda on the Bill for their consideration. The Committee also decided that the State Governments, Union Territories, the Supreme Court of India, all High Courts, Attorney General of India, Advocates General of all the States, all Bar Councils/Bar Associations and some important legal societies/institutes be requested to forward their comments on the provisions of the Bill for the benefit of the Committee.

5. 22 Memoranda/Representations etc. on the Bill were received by the Select Committee from different Government Departments, Associations/individuals.

6. At their 2nd sitting held on the 14th July, 1969, the Committee decided to hear the evidence of some eminent jurists. At their third sitting held on the 19th July, 1969 the Committee heard the evidence given by Shri A. S. R. Chari, Senior Advocate, Supreme Court of India, New Delhi.

7. The Report of the Committee was to be presented by the first day of the next session i.e. on the 21st July, 1969. As this could not be done, the Committee decided to ask for extension of time for presentation of their Report upto the first day of the Winter Session (1969). Necessary motion was brought before the House and adopted on the 21st July, 1969.

8. The Committee have decided that the evidence given before them should be printed and laid on the Table of the House.

9. The Committee have also decided that the Memoranda/representations etc. submitted by various associations/organisations/Government Departments etc. should be laid on the Table of the House and a copy thereof be placed in Parliament Library for reference by the Members.

10. The Committee considered the Bill clause-by-clause at their 5th and 6th sittings held on the 29th and 30th September, 1969.

11. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 15th November, 1968.

12. *Clause 2.*—The Committee feel that the right of appeal to the Supreme Court proposed to be given under this clause should be in addition to those provided in Article 134(1) of the Constitution of India. With this end in view and to make it clear, the opening part of this clause has been amended accordingly.

13. *Clause 1 and Enacting Formula.*—Amendments made in these are of drafting nature and formal character.

14. The Committee considered and adopted the Report on the 15th November, 1969.

15. The Select Committee recommend that the Bill, as amended, be passed.

NEW DELHI;

15th November, 1969.

24 Kartika, 1891 (Saka).

N. C. CHATTERJEE,

Chairman,

Select Committee.

Bill No. 81-A of 1968

THE ENLARGEMENT OF THE APPELLATE (CRIMINAL)
JURISDICTION OF THE SUPREME COURT BILL, 1968

(AS REPORTED BY THE SELECT COMMITTEE)

[Words underlined indicate the amendments suggested by the Committee]

A

BILL

to enlarge the appellate jurisdiction of the Supreme Court in regard to criminal matters.

Be it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court (Enlargement of Criminal Appellate Jurisdiction) Act, 1969.

Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Without prejudice to the powers conferred on the Supreme Court by clause (1) of article 134 of the Constitution, an appeal shall lie to the Supreme Court from any judgment, final order or sentence in a crimi-

Enlarged Appellate Jurisdiction of

nal proceeding of a High Court in the territory of India if the High Court—

Supreme
Court in
regard to
criminal
matters.

(a) has on appeal reversed an order of acquittal of an accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years;

(b) has withdrawn for trial before itself any case from any court subordinate to its authority and has in such trial convicted the accused person and sentenced him to imprisonment for life or to imprisonment for a period of not less than ten years.

S. L. SHAKDHER,
Secretary.